

09/884,429 filed 06/18/2001
David Chazan, et al.
Reply to Office Action of 02/23/2007

RECEIVED
CENTRAL FAX CENTER

JUN 25 2007

REMARKS/ARGUMENTS

Claims 13, 28-31, 33-45, and 79-81 are pending in the above-captioned application. The Office Action Summary indicates that all of these claims are rejected. With this paper, Applicants have amended claims 29 and 81 and have canceled claims 13, 28, 30, 31, 79, and 80. No new matter was added with the amendments.

I. Continued Examination under 37 C.F.R. § 1.114

Applicants note with appreciation the Examiner's withdrawal of the finality of the previous Office action and entering of Applicants' submission filed on January 25, 2007.

II. Response to Arguments

Applicants note with appreciation the Examiner's withdrawal of the previous rejections of claims 13, 28-31, 33-77, and 79-81.

III. Claim rejections under 35 U.S.C. § 112, second paragraph

Claims 31 and 79 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention. To simplify prosecution of this case, Applicants have canceled claims 13, 28, 30, 31, 79, and 80, while retaining the right to pursue the claims in a divisional application. Therefore, the rejection of claims 31 and 79 under 35 U.S.C. § 112, second paragraph, is moot.

IV. Claim rejections under 35 U.S.C. § 102(e) as being anticipated by Tagge et al. (US 7,033,840)

Claims 13, 28, 30, 31, 79, and 80 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Tagge et al. (US 7,033,840). As previously discussed, these claims have been canceled. Therefore, the rejection of these claims under 35 U.S.C. § 102(e) is moot.

09/884,429 filed 06/18/2001
David Chazan, et al.
Reply to Office Action of 02/23/2007

V. Claim rejections under 35 U.S.C. § 102(b) as being anticipated by Ho et al.
(US 5,426,400)

Claims 29, 33, and 34 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ho et al. (US 5,426,400). This rejection is respectfully traversed. “[F]or anticipation under 35 U.S.C. § 102, a single reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.” MPEP § 706.02. “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, USPQ2d 1913, 1920 (Fed. Cir. 1989).

With regard to amended independent claim 29, at a minimum, Ho et al. do not teach a covered microchannel network. Applicants have limited claim 29 to a covered microchannel network to more particularly point out and distinctly claim Applicants’ invention. Support for the limitation can be found, for example, on page 15, lines 14–19, and on page 16, lines 32 and 33, as well as being illustrated in FIGS. 1 and 8B. Thus, no new matter has been added by the amendment of the claim.

Ho et al. teach a broadband coplanar waveguide to slotline transition for transferring radio frequency energy. *See* the Abstract. As illustrated in FIGS. 3 and 5, the device includes open channels 58, 60, and 70. As described in column 3, lines 29–42, these open channels are formed by etching away sections of an electrically conductive layer formed on a surface of a dielectric substrate. The reason for etching the channels is to “expose an area of the dielectric substrate.” Column 2, lines 42–63. Therefore, no motivation exists for covering the channels of this electrical device.

Thus, Ho et al. do not teach every aspect of the claimed invention either explicitly or impliedly, nor do they show the identical invention claimed by Applicants in as complete detail as is contained in amended independent claim 29. Withdrawal of the rejection of claim 29 under U.S.C. § 102(b) as being anticipated by Ho et al. is, therefore, respectfully requested.

Claims 33 and 34 depend directly from amended independent claim 29. Therefore, Applicants respectfully submit that these dependent claims are allowable for at least the same reasons as set forth herein with respect to amended independent claim 29. Withdrawal

09/884,429 filed 06/18/2001
David Chazan, et al,
Reply to Office Action of 02/23/2007

of the rejection of dependent claims 33 and 34 under § 102(b) as being anticipated by Ho et al. is also respectfully requested.

VI. Claim rejections under 35 U.S.C. § 103(a) as being unpatentable over Ho et al. (US 5,426,400)

Claims 35–45 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ho et al. (US 5,426,400). This rejection is traversed.

To warrant rejection under 35 U.S.C. § 103(a), all the claim limitations must be taught or suggested by the prior art. See MPEP § 2142. As demonstrated above, Ho et al. neither teach nor suggest all of the limitations of Applicants' amended independent claim 29. Thus, claim 29 is nonobvious. Claims 35–45 depend indirectly from claim 29. Any claim depending from a nonobvious claim is also nonobvious. See MPEP § 2143.03 and *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent claims 35–45 are nonobvious. Withdrawal of the rejection of these claims as being unpatentable over Ho et al. is, therefore, respectfully requested.

The Examiner has not addressed Applicants' claim 81 in the Office action mailed February 23, 2007, although this claim is listed as being rejected on the Office Action Summary. Applicants have amended claim 81 to clarify that "therein" refers to "within the body structure." That the venting channel network of claim 81 is within the body structure formed by bonding together at least two substrates is implicit in the phrase "to vent bond voids between the bonded substrates" in lines 4 and 5 of claim 81. A venting channel network must be within the body structure in order to meet the limitation this phrase describes. Further support for the venting channel network being within the body structure is found, for example, on page 15, lines 14–19, and on page 16, lines 32 and 33.

As demonstrated above, Ho et al. do not teach a channel network within a body structure. The channels taught by Ho et al. are not positioned between substrates, resulting in the channels being within the body structure formed by the mated and bonded substrates. Rather they are formed on a surface of a substrate by etching away a coating formed on the substrate.

09/884,429 filed 06/18/2001

David Chazan, et al.

Reply to Office Action of 02/23/2007

The art made of record and not relied upon neither teaches nor suggests all of the limitations of amended independent claims 29 and 81. With regard to claim 29, at a minimum, Coassin et al. and Baliga et al. do not teach a body structure having a covered microchannel network disposed therein, nor do they teach a venting channel disposed along at least a portion of a side of one or more microchannels of a microchannel network such that it does not intersect with any microchannel in the microchannel network. With regard to claim 81, Coassin et al. and Baliga et al. do not teach a venting channel network disposed within a body structure formed by bonding together at least two substrates. Therefore, amended independent claims 29 and 81 are allowable over both references.

Conclusion

For the foregoing reasons, Applicants believe all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned attorney.

Respectfully submitted,



Ann C. Petersen
Reg. No. 55,536

CALIPER LIFE SCIENCES, INC.
605 Fairchild Drive
Mountain View, CA 94043
Direct: 650-623-0667
Fax: 650-623-0504
ann.petersen@caliperLS.com

CERTIFICATE OF TRANSMISSION OR MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 25, 2007 by Ann Petersen.

Signed: _____

